

The influence of guilt presumptive language on investigative interview outcomes

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CHAPTER 10

The Relevance of Identifying Guilt Presumptive Language in Investigative Interviews: Valorisation Addendum

10. RELEVANCE

As mentioned within this thesis, many investigative errors start or are compounded by the events of the investigative interview. Despite decades of research on this topic, police interviewers continue to exhibit behaviour during the interview that can negatively influence the suspect's behaviour and the outcome of the interview. Continued research is needed to ensure that that most important tool in an investigators kit – interviewing skills and questioning techniques – are of the best quality. However, even the best tools in the wrong hands wreak havoc – intentionally or not.

Police interviewers are human beings, and thus, are prone to the same flaws as all humans, even when doing their job. One of the most common human cognitive flaws is to seek out what we expect or what confirms our views. In relation to the investigative interview, this comes in the form of making guilt judgements. Whether explicitly or implicitly stated, guilt-presumptive language undermines the objective of obtaining investigation relevant information (IRI). If a suspect is influenced to cease disclosure of information because he or she feels accused or prejudged, it can lengthen or stall the investigation. This taxes time and the human resources dedicated to a case. In the worst-case scenario, the interviewer's behaviour may induce a false confession

10.1 TARGET GROUPS

The findings contained within this thesis are intended to set a foundation for evidence-based practice in evaluating the investigative interview. It is clear that analysing investigative interviews using traditional methods does not reveal the whole story

of the interview or the interviewer's skills. Guilt-presumptive language is detrimental to rapport-building and information disclosure. This may be due to the suspect's perception of fairness and justice during the process. If it appears the suspect has no voice in the process, and decisions about guilt have been made, there is diminished incentive to cooperate further.

The findings in this thesis may also be beneficial for legal-decision makers such as prosecution lawyers as well as judges. Academics and researchers are often retained to assist judges in determining whether confession evidence can be trusted. Although this studies in this thesis did not specifically examine confessions, it is well established in the literature that a primary source of coerced and false confessions stem from guilt-presumptive language. This factor needs to be presented to the court and given the same credence as physical coercion, as it may produce the same outcomes.

Defence counsel should also be aware of the influence of guilt-presumptive language on their clients – especially in jurisdictions where the presence of counsel during the interview is not a legal right (e.g., Canada), when this right has been waived by the suspect, or in the case of “informal questioning and comments” that can occur outside the interview room (e.g., en route to holding cells, in police transportation, by undercover officers, or non-custodial questioning).

10.2 INNOVATION

Examining the language used in the investigative interview for guilt-presumption is the novel contribution of this thesis. Although more work is needed in this area, the findings in this thesis set

the basis to develop viable techniques to improve interview outcomes. Understanding the detriment of guilt presumption and knowing how to identify this type of language will be a benefit for the training, development of police interviewers. Moreover, examining interviews in this manner will also help researchers explore trends in suspect cooperation, disclosure, rapport-building, and confession evidence.

10.3 SOCIETAL BENEFITS

Poorly conducted interviews come at a great cost to society – financial costs, costs to public trust in the criminal justice system, and life changing costs to innocent suspects. Improving the quality of investigative interviews will lessen those costs.